

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:11-CR-096-Y
Government,)
VERSUS) FORT WORTH, TEXAS
REGINALD BROWN (23),) DECEMBER 14, 2011
TIFFANY TABER (36),)
HAROLD GRUBBS (50),)
DAVEON McCULLOCH (58),)
ARASELI OROZCO (59),)
Defendants.) 9:16 A.M.

VOLUME 1 OF 1
TRANSCRIPT OF REARRAIGNMENT
BEFORE THE HONORABLE JEFFREY CURETON
UNITED STATES MAGISTRATE COURT JUDGE

UNITED STATES OF AMERICA,) CASE NO. 4:11-CR-181-Y
Government,)
VERSUS) FORT WORTH, TEXAS
WILLIAM NATHANIEL CLARK,) DECEMBER 14, 2011
Defendant.) 9:16 A.M.

VOLUME 1 OF 1
TRANSCRIPT OF GUILTY PLEA AT ARRAIGNMENT
BEFORE THE HONORABLE JEFFREY CURETON
UNITED STATES MAGISTRATE COURT JUDGE

UNITED STATES OF AMERICA,) CASE NO. 4:11-CR-183-Y
Government,)
VERSUS) FORT WORTH, TEXAS
YOULANDA ROCHELLE WRIGHT,) DECEMBER 14, 2011
Defendant.) 9:16 A.M.

VOLUME 1 OF 1
TRANSCRIPT OF GUILTY PLEA AT ARRAIGNMENT
BEFORE THE HONORABLE JEFFREY CURETON
UNITED STATES MAGISTRATE COURT JUDGE

A P P E A R A N C E S :

FOR THE GOVERNMENT: MR. JOSHUA BURGESS (4:11-CR-096-Y)
MR. JAY WEIMER (4:11-CR-181-Y)
MR. MATT GULDE (4:11-CR-183-Y)
UNITED STATES DEPARTMENT OF JUSTICE
NORTHERN DISTRICT OF TEXAS
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102-6882
Telephone: 817.252.5200

FOR THE DEFENDANT: MR. JEFFREY C. GRASS
Brown (23) Law Offices of Jeffrey C. Grass
Bank of America Tower
101 E. Park Blvd., Suite 600
Plano, Texas 75074-5483
Telephone: 214.273.7290

FOR THE DEFENDANT: MS. RANDY W. BOWERS
Taber (36) Randy Bowers, Attorney at Law
3505 Airport Freeway
Fort Worth, Texas 76111
Telephone: 817.348.8094

FOR THE DEFENDANT: MR. ANTHONY H. GREEN
Grubbs (50) Law Office of Anthony Green
207 S. Jennings Avenue
Fort Worth, Texas 76104
Telephone: 817.332.3803

FOR THE DEFENDANT: MR. NEIL L. DURRANCE
McCulloch (58) Law Office of Neil L. Durrance
1108 N. Locust
Denton, Texas 76201
Telephone: 940.898.1975

FOR THE DEFENDANT: MR. KEN N. CUTRER
Orozco (59) Ken Cutrer, Attorney at Law
912 W. Belknap Street
Fort Worth, Texas 76102
Telephone: 817.877.1700

1 FOR THE DEFENDANT: MR. DANNY FREISNER
Clark Law Office of R.D. Freisner
2 P.O. Box 635
3 Waxahachie, Texas 75168
Telephone: 972.923.1899

4
5 FOR THE DEFENDANT: MS. CATHERINE R. DUNNAVANT
Wright Dunnavant & Associates, PLLC
6 P.O. Box 171464
7 Arlington, Texas 76003-1464
Telephone: 817.938.8782

8 COURT REPORTER: MS. DEBRA G. SAENZ, CSR, RMR, CRR
501 W. 10th Street, Room 424
9 Fort Worth, Texas 76102
Telephone: 817.850.6661
10 E-Mail: debbie.saenz@yahoo.com

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P R O C E E D I N G S

December 14, 2011 - 9:16 a.m.

THE COURT: The Court has several matters set for rearraignment. As I call your name, if you would please come forward and join your counsel in front of the bench.

In Cause Number 4:11-CR-96, United States versus Reginald Brown. Mr. Brown.

Also United States versus Tiffany Taber, same cause number.

United States versus Harold Grubbs in the same cause number.

United States versus Daveon McCulloch in the same cause number.

And United States versus Araseli Orozco in the same cause number.

In Cause Number 4:11-CR-181, United States versus William Nathan Clark.

And in Cause Number 4:11-CR-183, United States versus Youlanda Wright.

All right. Let's make sure we're in order. I need Mr. Brown first, Ms. Taber, Mr. Grubbs, Mr. McCulloch, Ms. Orozco, Mr. Clark, and Ms. Wright.

All right. We've got a fairly large group, so I'm going to ask everyone to speak up so that the court reporter can hear your responses and properly record them.

1 Would each of the defendants please raise your right
2 hand and be sworn by the clerk.

3 (Seven (7) defendants sworn)

4 *THE COURT:* Thank you.

5 Would you please state your full name for the
6 record?

7 We'll begin with Mr. Brown.

8 *DEFENDANT BROWN:* Reginald Brown.

9 *THE COURT:* And Ms. Taber?

10 *DEFENDANT TABER:* Tiffany Kay Taber.

11 *THE COURT:* Mr. Grubbs?

12 *MR. GREEN:* Your Honor, Mr. Grubbs has bit his
13 tongue and had a seizure just the other day. He's having a
14 really hard time talking and standing. I don't know if you
15 wanted to reset this or --

16 *THE COURT:* Mr. Grubbs, are you having -- will you
17 have difficulty speaking sufficiently to where I can
18 understand you and the court reporter can record your
19 responses?

20 *DEFENDANT GRUBBS:* I can speak a little bit.

21 *THE COURT:* Oh, all right. Yeah, we're going to
22 reset Mr. Grubbs to allow that to heal.

23 Mr. Green, can you keep the Court posted as to how
24 your client is progressing? We need to get him in here for
25 this proceeding, but it is a lot of speaking on his behalf,

1 and I don't think he's ready for it from what I can tell.

2 All right. So, Mr. Grubbs, you are remanded to the
3 custody of the United States Marshal.

4 Mr. Green, you are excused.

5 *MR. GREEN:* Thank you, Your Honor.

6 *THE COURT:* Thank you, sir, for bringing it to my
7 attention.

8 (Defendant Grubbs and Mr. Green excused)

9 *THE COURT:* All right. Please state your full name.
10 Mr. McCulloch?

11 *DEFENDANT McCULLOCH:* Daveon McCulloch.

12 *THE COURT:* Ms. Orozco?

13 *DEFENDANT OROZCO:* Araseli Orozco.

14 *THE COURT:* Mr. Clark?

15 *DEFENDANT CLARK:* William Nathaniel Clark.

16 *THE COURT:* And Ms. Wright?

17 *DEFENDANT WRIGHT:* Youlanda Rochelle Wright.

18 *THE COURT:* Is your name spelled correctly in the
19 indictment or the information that has been returned against
20 you?

21 Mr. Brown?

22 *DEFENDANT BROWN:* Yes, sir.

23 *THE COURT:* Ms. Taber?

24 *DEFENDANT TABER:* Yes, sir.

25 *THE COURT:* Mr. McCulloch?

1 *DEFENDANT McCULLOCH:* Yes.

2 *THE COURT:* Ms. Orozco?

3 *DEFENDANT OROZCO:* Yes.

4 *THE COURT:* Mr. Clark?

5 *DEFENDANT CLARK:* Yes.

6 *THE COURT:* And Ms. Wright?

7 *DEFENDANT WRIGHT:* Yes.

8 *MR. WEIMER:* Your Honor?

9 *THE COURT:* Yes.

10 *MR. WEIMER:* Mr. Clark's name in the indictment is
11 spelled William Nathan Clark, and he just indicated that his
12 full middle name is Nathaniel.

13 *THE COURT:* All right.

14 *MR. WEIMER:* We would move to substitute Nathaniel
15 for Nathan in the indictment.

16 *THE COURT:* I'll let the record reflect that his
17 true name is William Nathaniel Clark. And Nathaniel -- how do
18 you spell Nathaniel, sir?

19 *DEFENDANT CLARK:* N-A-T-H-A-N-I-E-L.

20 *THE COURT:* All right. So I'll have the record
21 reflect the true name of the defendant is William Nathaniel
22 Clark.

23 Ms. Wright, is your name spelled correctly in the
24 information that's been returned against you?

25 *DEFENDANT WRIGHT:* Yes.

1 THE COURT: Do each of you understand that you are
2 now under oath and that if you answer the Court's questions
3 falsely your answers may later be used against you in a
4 prosecution for perjury or for making a false statement?

5 Mr. Brown?

6 DEFENDANT BROWN: Yes, sir.

7 THE COURT: Ms. Taber?

8 DEFENDANT TABER: Yes, sir.

9 THE COURT: Mr. McCulloch?

10 DEFENDANT McCULLOCH: Yes.

11 THE COURT: Ms. Orozco?

12 DEFENDANT OROZCO: Yes.

13 THE COURT: Mr. Clark?

14 DEFENDANT CLARK: Yes.

15 THE COURT: Ms. Wright?

16 DEFENDANT WRIGHT: Yes.

17 THE COURT: Do each of you read, write, and
18 understand the English language?

19 Mr. Brown?

20 DEFENDANT BROWN: Yes, sir.

21 THE COURT: Ms. Taber?

22 DEFENDANT TABER: Yes, sir.

23 THE COURT: Mr. McCulloch?

24 DEFENDANT McCULLOCH: Yes.

25 THE COURT: Ms. Orozco?

1 *DEFENDANT OROZCO:* Yes.

2 *THE COURT:* Mr. Clark?

3 *DEFENDANT CLARK:* Yes.

4 *THE COURT:* And Ms. Wright?

5 *DEFENDANT WRIGHT:* Yes.

6 *THE COURT:* Do each of you understand that I am
7 conducting this hearing, rather than the district judge,
8 however, it's the district judge who retains all final
9 decision-making authority over your plea, and it's the
10 district judge who will conduct any sentencing in your case?

11 Mr. Brown?

12 *DEFENDANT BROWN:* Yes, sir.

13 *THE COURT:* Ms. Taber?

14 *DEFENDANT TABER:* Yes, sir.

15 *THE COURT:* Mr. McCulloch?

16 *DEFENDANT McCULLOCH:* Yes.

17 *THE COURT:* Ms. Orozco?

18 *DEFENDANT OROZCO:* Yes.

19 *THE COURT:* Mr. Clark?

20 *DEFENDANT CLARK:* Yes.

21 *THE COURT:* Ms. Wright?

22 *DEFENDANT WRIGHT:* Yes.

23 *THE COURT:* Now, I've been provided documents
24 entitled, Consent to Administration of Guilty Plea and
25 Allocution by United States Magistrate Judge, which appears to

1 be signed by each of you and your counsel.

2 Is this your signature that appears on this consent
3 form?

4 Mr. Brown?

5 *DEFENDANT BROWN:* Yes, sir.

6 *THE COURT:* Ms. Taber?

7 *DEFENDANT TABER:* Yes, sir.

8 *THE COURT:* Mr. McCulloch?

9 *DEFENDANT McCULLOCH:* Yes.

10 *THE COURT:* Ms. Orozco?

11 *DEFENDANT OROZCO:* Yes.

12 *THE COURT:* Mr. Clark?

13 *DEFENDANT CLARK:* Yes.

14 *THE COURT:* And Ms. Wright?

15 *DEFENDANT WRIGHT:* Yes.

16 *THE COURT:* I do find that each of you have
17 knowingly and voluntarily waived your right to enter your
18 guilty plea before the district judge and that you have
19 consented to proceed before me in that plea this morning. I'm
20 signing an order to that effect in each of your cases.

21 Are there any of you that have any physical
22 impairment or disability which might make it difficult for you
23 to stand for approximately the next 30 to 35 minutes as we
24 conduct this proceeding? Is there anyone? Very well. Then
25 let me give some general instructions.

1 You may, if you choose, plead not guilty to any
2 offense charged against you or persist in that plea if it's
3 already been made. And if you plead not guilty, the
4 Constitution of the United States guarantees you the following
5 Constitutional rights:

6 You have the right to a speedy and public trial by a
7 jury in this district.

8 You have the right to confront, that is, to see,
9 hear, and cross-examine all witnesses against you.

10 You have the right to use the power and the process
11 of the court to compel the production of any evidence,
12 including the attendance of any witnesses in your behalf.

13 At such a trial, you could not be compelled to
14 testify and whether you would testify would be a matter in
15 which your judgment alone would control.

16 You have the right to have an attorney present at
17 all stages of the proceedings, and if you could not afford an
18 attorney, the Court would appoint an attorney for you.

19 At such a trial, the United States would be required
20 to prove your guilt beyond a reasonable doubt, and if you were
21 convicted, you would have the right to appeal your conviction.

22 Do each of you understand that you have and are
23 guaranteed these Constitutional rights?

24 Mr. Brown?

25 *DEFENDANT BROWN:* Yes, sir.

1 THE COURT: Ms. Taber?

2 DEFENDANT TABER: Yes, sir.

3 THE COURT: Mr. McCulloch?

4 DEFENDANT McCULLOCH: Yes.

5 THE COURT: Ms. Orozco?

6 DEFENDANT OROZCO: Yes.

7 THE COURT: Mr. Clark?

8 DEFENDANT CLARK: Yes.

9 THE COURT: Ms. Wright?

10 DEFENDANT WRIGHT: Yes.

11 THE COURT: Now, on the other hand, if you plead
12 guilty and if that plea is accepted by the Court, there will
13 not be a further trial of any kind, so that by pleading guilty
14 you would waive your right to a trial as well as those rights
15 associated with a trial as I've just described them. Do each
16 of you understand?

17 Mr. Brown?

18 DEFENDANT BROWN: Yes, sir.

19 THE COURT: Ms. Taber?

20 DEFENDANT TABER: Yes, sir.

21 THE COURT: Mr. McCulloch?

22 DEFENDANT McCULLOCH: Yes.

23 THE COURT: Ms. Orozco?

24 DEFENDANT OROZCO: Yes.

25 THE COURT: Mr. Clark?

1 *DEFENDANT CLARK:* Yes.

2 *THE COURT:* And Ms. Wright?

3 *DEFENDANT WRIGHT:* Yes.

4 *THE COURT:* Now, generally a defendant who is
5 accused of a crime cannot plead guilty unless he or she is
6 actually guilty of that crime. In federal court, the judge
7 determines the penalty if a defendant is convicted, whether
8 that conviction is upon a verdict of a jury or upon a plea of
9 guilty.

10 The Court has not and will not talk to anyone about
11 the facts of your case, except here in your presence, where
12 you, and your attorney, and representatives of the Government
13 are all present. However, if a guilty verdict is entered, a
14 presentence report will be prepared and the Court will review
15 that report with probation officers outside of your presence.

16 If you plead guilty, you will be convicted.
17 However, you and your attorney each will be given an
18 opportunity to present to the Court any pleas for leniency.
19 The penalty will be decided based upon the facts heard in
20 court.

21 You should never depend or rely upon any promise or
22 statement by anyone, whether connected with law enforcement --
23 do we need a cough drop?

24 *DEFENDANT OROZCO:* I'm sorry.

25 *THE COURT:* No, it's okay. I just -- I want to make

1 sure that you are able to hear, so let me back up.

2 You should never depend or rely upon any statement
3 or promise by anyone, whether connected with law enforcement,
4 or the Government, or anyone else, as to what penalty will be
5 assessed against you.

6 Should you decide to plead guilty, your plea of
7 guilty must not be induced or prompted by any promises,
8 pressure, threats, coercion, or force of any kind. A plea of
9 guilty must be purely voluntary and you should plead guilty
10 only because you are guilty and for no other reason.

11 Do each of you understand each of my explanations
12 about the process and the consequences of pleading guilty?

13 Mr. Brown?

14 *DEFENDANT BROWN:* Yes, sir.

15 *THE COURT:* Ms. Taber?

16 *DEFENDANT TABER:* Yes, sir.

17 *THE COURT:* Mr. McCulloch?

18 *DEFENDANT McCULLOCH:* Yes.

19 *THE COURT:* Ms. Orozco?

20 *DEFENDANT OROZCO:* Yes.

21 *THE COURT:* Mr. Clark?

22 *DEFENDANT CLARK:* Yes.

23 *THE COURT:* And Ms. Wright?

24 *DEFENDANT WRIGHT:* Yes.

25 *THE COURT:* Under the Sentencing Reform Act of 1984,

1 as it's been construed by our Supreme Court, the United States
2 Sentencing Commission --

3 Ms. Bowers do you need a moment?

4 MS. BOWERS: I do.

5 THE COURT: Okay.

6 *(Pause in Proceedings, Ms. Bowers conferring with*
7 *Defendant Taber)*

8 THE COURT: Ms. Bowers, is there an issue that we
9 need to discuss up here at the bench?

10 MS. BOWERS: No, Your Honor.

11 THE COURT: Are you sure?

12 Why don't I see the prosecutor and Ms. Bowers up
13 here real quick.

14 *(Off-the-record bench conference)*

15 *(Pause in Proceedings, Ms. Bowers conferring with*
16 *Defendant Taber)*

17 THE COURT: All right. Ms. Bowers?

18 MS. BOWERS: Yes.

19 THE COURT: We have four pleas set for this
20 afternoon. I'm going to move you to the afternoon docket to
21 allow you and your client to work through this issue because
22 we have a lot of other people who will have to wait right now.

23 MS. BOWERS: Okay. I'm sorry. I have a transfer
24 hearing on somebody that Judge Boyd's going to lose
25 jurisdiction on. It's an assault case that's going to get

1 transferred to TDC at two o'clock.

2 *THE COURT:* All right.

3 *MS. BOWERS:* And we're pushed right up against the
4 deadline. Could --

5 *THE COURT:* That's why I'm doing afternoon pleas at
6 three o'clock on these cases.

7 *MS. BOWERS:* That's good.

8 *THE COURT:* At three o'clock, you can be here?

9 *MS. BOWERS:* Three o'clock is good.

10 *THE COURT:* All right. Ms. Taber, you're remanded
11 to the custody of the United States Marshal.

12 Ms. Bowers, you're excused, and I'll see you both
13 back at three o'clock.

14 If the marshals could make a note, we'll have this
15 defendant come back at three.

16 *MS. BOWERS:* Thank you.

17 (Defendant Taber and Ms. Bowers excused)

18 *THE COURT:* All right. Let me begin again with
19 regard to the sentencing instructions.

20 And under the Sentencing Reform Act of 1984, as
21 construed by our Supreme Court, the United States Sentencing
22 Commission has issued advisory guidelines for judges to
23 consider in determining the sentence in a criminal case.

24 Have you and your attorney discussed the charges
25 against you, the matter of sentencing, and how those

1 sentencing guidelines might apply to your case?

2 Mr. Brown?

3 *DEFENDANT BROWN:* Yes, sir.

4 *THE COURT:* Mr. McCulloch?

5 *DEFENDANT McCULLOCH:* Yes, sir.

6 *THE COURT:* Ms. Orozco?

7 *DEFENDANT OROZCO:* Yes.

8 *THE COURT:* Mr. Clark?

9 *DEFENDANT CLARK:* Yes.

10 *THE COURT:* And Ms. Wright?

11 *DEFENDANT WRIGHT:* Yes.

12 *THE COURT:* Even so, I must inform you that it's the
13 Court's obligation to calculate the sentencing guidelines and
14 to consider that range, along with any possible departures
15 under the guidelines, and other sentencing factors under 18
16 USC Section 3553(a).

17 The Court is not bound by facts that are stipulated
18 between you and your attorney on the one hand and the
19 Government on the other. The Court can impose punishment that
20 might disregard stipulated facts or take into account facts
21 not mentioned in stipulations. And in that event, you might
22 not even be permitted to withdraw your plea of guilty.

23 The Court will not be able to determine the
24 guideline range for your case until after the presentence
25 report has been completed, and you, and your attorney, and the

1 Government have all had an opportunity to challenge the facts
2 and the conclusions set forth in that report.

3 After the Court has determined what guideline range
4 is appropriate under the facts of your case, the Court has the
5 authority to impose a sentence that is above, below, or within
6 that guideline range, as long as the sentence imposed is
7 reasonable and it's based upon the facts and the law.

8 You have the right to appeal the sentence the Court
9 imposes, unless you waive that right. And under some
10 circumstances, the Government also has the right to appeal.

11 Finally, within the federal system, parole has been
12 abolished, so that if you are sentenced to imprisonment, you
13 will not be released on parole.

14 Do each of you understand all of the explanations
15 that I have given with regard to sentencing?

16 Mr. Brown?

17 *DEFENDANT BROWN:* Yes, sir.

18 *THE COURT:* Mr. McCulloch?

19 *DEFENDANT McCULLOCH:* Yes, sir.

20 *THE COURT:* Ms. Orozco?

21 *DEFENDANT OROZCO:* Yes.

22 *THE COURT:* Mr. Clark?

23 *DEFENDANT CLARK:* Yes.

24 *THE COURT:* And Ms. Wright?

25 *DEFENDANT WRIGHT:* Yes.

1 THE COURT: How old are you?

2 Mr. Brown?

3 DEFENDANT BROWN: 41.

4 THE COURT: Mr. McCulloch?

5 DEFENDANT McCULLOCH: 37.

6 THE COURT: Ms. Orozco?

7 DEFENDANT OROZCO: 35.

8 THE COURT: Mr. Clark?

9 DEFENDANT CLARK: 39.

10 THE COURT: And Ms. Wright?

11 DEFENDANT WRIGHT: 35.

12 THE COURT: And what is your date of birth?

13 Mr. Brown?

14 DEFENDANT BROWN: 4-30-70.

15 THE COURT: Mr. McCulloch?

16 DEFENDANT McCULLOCH: 2-4-74.

17 THE COURT: Ms. Orozco?

18 DEFENDANT OROZCO: 12-1-76.

19 THE COURT: Mr. Clark?

20 DEFENDANT CLARK: 1-21-72.

21 THE COURT: And Ms. Wright?

22 DEFENDANT WRIGHT: 3-9-76.

23 THE COURT: Are you currently, or within the last
24 six months, have you been under the care of a physician or a
25 psychiatrist?

1 Mr. Brown?

2 DEFENDANT BROWN: No, sir.

3 THE COURT: Mr. McCulloch?

4 DEFENDANT McCULLOCH: No.

5 THE COURT: Ms. Orozco?

6 DEFENDANT OROZCO: No.

7 THE COURT: Mr. Clark?

8 DEFENDANT CLARK: No.

9 THE COURT: Ms. Wright?

10 DEFENDANT WRIGHT: Yes.

11 THE COURT: Is there anything about that care or
12 treatment, Ms. Wright, that interferes with your ability to
13 understand today's proceedings?

14 DEFENDANT WRIGHT: No.

15 THE COURT: Have you been hospitalized or treated
16 for narcotics addiction or alcoholism?

17 Mr. Brown?

18 DEFENDANT BROWN: No, sir.

19 THE COURT: Mr. McCulloch?

20 DEFENDANT McCULLOCH: No, sir.

21 THE COURT: Ms. Orozco?

22 DEFENDANT OROZCO: No.

23 THE COURT: Mr. Clark?

24 DEFENDANT CLARK: No.

25 THE COURT: Ms. Wright?

1 *DEFENDANT WRIGHT:* No.

2 *THE COURT:* Are you now under the influence of
3 alcohol or any narcotic drug?

4 Mr. Brown?

5 *DEFENDANT BROWN:* No, sir.

6 *THE COURT:* Mr. McCulloch?

7 *DEFENDANT McCULLOCH:* No.

8 *THE COURT:* Ms. Orozco?

9 *DEFENDANT OROZCO:* No.

10 *THE COURT:* Mr. Clark?

11 *DEFENDANT CLARK:* No.

12 *THE COURT:* Ms. Wright?

13 *DEFENDANT WRIGHT:* No.

14 *THE COURT:* Do you suffer from any emotional or
15 mental disability?

16 Mr. Brown?

17 *DEFENDANT BROWN:* No, sir.

18 *THE COURT:* Mr. McCulloch?

19 *DEFENDANT McCULLOCH:* No.

20 *THE COURT:* Ms. Orozco?

21 *DEFENDANT OROZCO:* No.

22 *THE COURT:* Mr. Clark?

23 *DEFENDANT CLARK:* No.

24 *THE COURT:* Ms. Wright?

25 *DEFENDANT WRIGHT:* Yes.

1 THE COURT: You do?

2 DEFENDANT WRIGHT: Uh-huh.

3 THE COURT: All right. Is there anything about that
4 disability that interferes with your understanding of today's
5 proceedings?

6 DEFENDANT WRIGHT: No.

7 THE COURT: All right. The basic question is: Are
8 you of sound mind and do you fully understand what it is we're
9 doing here today?

10 Mr. Brown?

11 DEFENDANT BROWN: Yes, sir.

12 THE COURT: Mr. McCulloch?

13 DEFENDANT McCULLOCH: Yes, sir.

14 THE COURT: Ms. Orozco?

15 DEFENDANT OROZCO: Yes.

16 THE COURT: Mr. Clark?

17 DEFENDANT CLARK: Yes.

18 THE COURT: Ms. Wright?

19 DEFENDANT WRIGHT: Yes.

20 THE COURT: To defense counsel, do you have any
21 reason to believe that your client is not fully competent to
22 enter a plea of guilty?

23 Mr. Grass?

24 MR. GRASS: No, sir.

25 THE COURT: Mr. Durrance?

1 MR. DURRANCE: No, Your Honor.

2 THE COURT: Mr. Cutrer?

3 MR. CUTRER: No, Your Honor.

4 THE COURT: Mr. Freisner?

5 MR. FREISNER: No, Your Honor.

6 THE COURT: Ms. Dunnavant?

7 MS. DUNNAVANT: No, sir.

8 THE COURT: And do you believe that the plea of
9 guilty that your client is proposing to make will be a knowing
10 and voluntary plea?

11 Mr. Grass?

12 MR. GRASS: Yes, sir.

13 THE COURT: Mr. Durrance?

14 MR. DURRANCE: Yes, sir.

15 THE COURT: Mr. Cutrer?

16 MR. CUTRER: Yes, Your Honor.

17 THE COURT: And Mr. Freisner?

18 MR. FREISNER: Yes, Your Honor.

19 THE COURT: Ms. Dunnavant?

20 MS. DUNNAVANT: Yes, Your Honor.

21 THE COURT: All right. We have several defendants
22 that are proceeding -- that are proceeding on the basis of an
23 information.

24 So as to Defendants McCulloch, Clark, and Wright, do
25 each of you understand that you are charged with the

1 commission of a felony?

2 Mr. McCulloch?

3 *DEFENDANT McCULLOCH:* Yes.

4 *THE COURT:* Mr. Clark?

5 *DEFENDANT CLARK:* Yes.

6 *THE COURT:* Ms. Wright?

7 *DEFENDANT WRIGHT:* Yes.

8 *THE COURT:* And under the United States

9 Constitution, you may not be charged with a felony unless a
10 grand jury finds by the return of an indictment that there is
11 probable cause to believe that a crime has been committed and
12 that you have committed it. However, you may waive your right
13 to indictment and consent to being charged by an information
14 filed by the United States Attorney.

15 Each of you face felony charges that have been
16 brought by the filing of just such an information. If you do
17 not waive indictment and the Government wishes to pursue its
18 case against you, it must present its case to the grand jury
19 and request an indictment.

20 A grand jury is composed of at least 16, but not
21 more than 23 persons, and at least 12 grand jurors must find
22 that there is probable cause to believe that you committed the
23 crime with which you are charged before you may be indicted.
24 So the grand jury might or it might not indict you.

25 But if you waive indictment by the grand jury, the

1 case will proceed against you based upon the information filed
2 by the United States Attorney just as though you had been
3 indicted.

4 Have each of you discussed with your attorney the
5 matter of waiving your right to indictment by the grand jury?

6 Mr. McCulloch?

7 *DEFENDANT McCULLOCH:* Yes.

8 *THE COURT:* Mr. Clark?

9 *DEFENDANT CLARK:* Yes.

10 *THE COURT:* Ms. Wright?

11 *DEFENDANT WRIGHT:* Yes.

12 *THE COURT:* I'm sorry, I can't hear you.

13 *DEFENDANT WRIGHT:* Yes.

14 *THE COURT:* Do you understand your right to
15 indictment by the grand jury?

16 Mr. McCulloch?

17 *DEFENDANT McCULLOCH:* Yes.

18 *THE COURT:* Mr. Clark?

19 *DEFENDANT CLARK:* Yes.

20 *THE COURT:* Ms. Wright?

21 *DEFENDANT WRIGHT:* Yes.

22 *THE COURT:* And have any threats or promises been
23 made to induce you to waive indictment?

24 Mr. McCulloch?

25 *DEFENDANT McCULLOCH:* No.

1 THE COURT: Mr. Clark?

2 DEFENDANT CLARK: No.

3 THE COURT: Ms. Wright?

4 DEFENDANT WRIGHT: No.

5 THE COURT: Do you wish to waive your right to
6 indictment by the grand jury?

7 Mr. McCulloch?

8 DEFENDANT McCULLOCH: No.

9 THE COURT: You do not?

10 DEFENDANT McCULLOCH: No.

11 THE COURT: All right. At this point we need to
12 have a conference. Let me have the prosecutor and the defense
13 lawyer up at the bench, please.

14 *(Off-the-record bench conference)*

15 *(Pause in Proceedings, conference between*
16 *Mr. Durrance, Mr. Burgess, and Defendant McCulloch*
17 *at this time)*

18 MR. DURRANCE: Your Honor, I believe we've clarified
19 the situation.

20 THE COURT: All right. Mr. McCulloch, you have had
21 a conference with your attorney. Let me ask you the question
22 again.

23 Do you wish to waive your right to indictment by the
24 grand jury?

25 DEFENDANT McCULLOCH: Yes.

1 THE COURT: Mr. Clark?

2 DEFENDANT CLARK: Yes.

3 THE COURT: Ms. Wright?

4 DEFENDANT WRIGHT: Yes.

5 THE COURT: To defense counsel, do you see any
6 reason why your client should not waive indictment and is such
7 waiver consistent with your advice?

8 Mr. Durrance?

9 MR. DURRANCE: Yes, Your Honor.

10 THE COURT: Mr. Freisner?

11 MR. FREISNER: Yes, Your Honor.

12 THE COURT: Ms. Dunnavant?

13 MS. DUNNAVANT: Yes, sir, Your Honor.

14 THE COURT: I've also been provided a written waiver
15 of indictment, which appears to be signed by each defendant.

16 Is this your signature that appears on the waiver of
17 indictment form?

18 Mr. McCulloch?

19 DEFENDANT McCULLOCH: Yes.

20 THE COURT: Mr. Clark?

21 DEFENDANT CLARK: Yes.

22 THE COURT: Ms. Wright?

23 DEFENDANT WRIGHT: Yes.

24 THE COURT: Very well. Then I do find that each of
25 the defendants' waiver of indictment has been knowingly and

1 voluntarily made, and it is accepted by the Court.

2 In Mr. Clark's case, on the waiver of indictment
3 form, there is not a place for the Court to sign, so I am just
4 signing at the bottom indicating the Court's acceptance, for
5 purposes of the record.

6 All right. Have each of you received a copy of the
7 charges against you, whether it's an indictment or an
8 information?

9 Mr. Brown?

10 *DEFENDANT BROWN:* Yes, sir.

11 *THE COURT:* Mr. McCulloch?

12 *DEFENDANT McCULLOCH:* Yes.

13 *THE COURT:* Ms. Orozco?

14 *DEFENDANT OROZCO:* Yes.

15 *THE COURT:* Mr. Clark?

16 *DEFENDANT CLARK:* Yes.

17 *THE COURT:* Ms. Wright?

18 *DEFENDANT WRIGHT:* Yes.

19 *THE COURT:* And have you read or had read to you the
20 charges, and do you fully understand the nature of those
21 charges?

22 Mr. Brown?

23 *DEFENDANT BROWN:* Yes, sir.

24 *THE COURT:* Mr. McCulloch?

25 *DEFENDANT McCULLOCH:* Yes.

1 THE COURT: Ms. Orozco?

2 DEFENDANT OROZCO: Yes.

3 THE COURT: Mr. Clark?

4 DEFENDANT CLARK: Yes.

5 THE COURT: Ms. Wright?

6 DEFENDANT WRIGHT: Yes.

7 THE COURT: Even so, it would be appropriate for the
8 United States Attorney to now read the counts -- count or
9 counts of the indictment or information into the record, but I
10 will allow you to waive that reading if you so choose.

11 Do you wish to have the charges read or do you waive
12 them at this time?

13 Mr. Brown?

14 DEFENDANT BROWN: I waive.

15 THE COURT: Mr. McCulloch?

16 Mr. McCulloch, do you want the one-count superseding
17 information read into the record?

18 DEFENDANT McCULLOCH: Yes, sir.

19 THE COURT: All right. Mr. Burgess, I'll call upon
20 you to read the charges against Mr. McCulloch, please.

21 MR. BURGESS: On or about September 24th, 2010, in
22 the Fort Worth Division of the Northern District of Texas, the
23 defendant, Daveon McCulloch, did knowingly and intentionally
24 use any communication facility, to wit, a cellular phone, in
25 the commission -- excuse me -- in facilitating the commission

1 of any act or act constituting a felony under 21 United States
2 Code Section 841(a) and 846, that is, conspiracy to distribute
3 cocaine.

4 *THE COURT:* Mr. McCulloch, do you understand the
5 nature of the charge that's been read against you?

6 *DEFENDANT McCULLOCH:* Yes, sir.

7 *THE COURT:* Ms. Orozco, do you wish to have the
8 charges against you read or do you waive that reading?

9 *DEFENDANT OROZCO:* I'll waive it.

10 *THE COURT:* Mr. Clark?

11 *DEFENDANT CLARK:* I'll waive.

12 *THE COURT:* And Ms. Wright?

13 *DEFENDANT WRIGHT:* Waive.

14 *THE COURT:* Each of you also have the right to have
15 explained to you the essential elements of the offense charged
16 against you, and I will call upon United States Attorney to
17 now set out those essential elements as to each case.

18 We'll begin with Mr. Brown. I'll call upon Mr. Josh
19 Burgess.

20 *MR. BURGESS:* That two or more persons, directly or
21 indirectly, reached an agreement to possess with the intent to
22 distribute cocaine;

23 That the defendant knew of the unlawful purpose of
24 the agreement;

25 That the defendant joined in the agreement

1 willfully, that is, with the intent to further its unlawful
2 purpose;

3 And that the overall scope of the conspiracy
4 involved 5 kilograms or more of a mixture or substance
5 containing cocaine.

6 *THE COURT:* Do you admit that you committed all of
7 the essential elements of the offense just described,
8 Mr. Brown?

9 *DEFENDANT BROWN:* Yes, sir.

10 *THE COURT:* All right. And as to Defendant
11 McCulloch?

12 *MR. BURGESS:* That the defendant knowingly used a
13 cellular telephone;

14 That the defendant acted with the intent to commit,
15 cause, or facilitate the commission of a drug felony, namely,
16 conspiracy to distribute a controlled substance.

17 *THE COURT:* Do you admit that you committed all of
18 the essential elements of the offense just described,
19 Mr. McCulloch?

20 *DEFENDANT McCULLOCH:* Yes.

21 *THE COURT:* As to Defendant Orozco?

22 *MR. BURGESS:* That two or more persons, directly or
23 indirectly, reached an agreement to cause or attempt to cause
24 the transport, transmission, and transfer of funds from a
25 place in the United States to or through a place outside the

1 United States;

2 That the financial transaction or attempted
3 financial transaction involved the proceeds of a specified
4 unlawful activity, namely, distribution or dispensation of a
5 controlled substance;

6 That the defendant knew that the property involved
7 in the financial transaction represented the proceeds of some
8 form of unlawful activity;

9 And that the defendant intended to avoid a
10 transaction reporting requirement under state or federal law.

11 *THE COURT:* Do you admit that you committed all of
12 the essential elements of the offense just described against
13 you, Ms. Orozco?

14 *DEFENDANT OROZCO:* Yes, sir.

15 *THE COURT:* And as to Defendant Clark, I'll call
16 upon Mr. Jay Weimer in the U.S. Attorney's Office.

17 *MR. WEIMER:* Your Honor, the Government would have
18 to prove:

19 First, that the defendant knowingly created a scheme
20 to defraud as described in the information.

21 Second, that the defendant acted with the specific
22 intent to defraud.

23 Third, that the defendant used interstate wire
24 communications facilities for the purpose of carrying out the
25 scheme.

1 And, fourth, that the scheme to defraud employed
2 false material representations.

3 *THE COURT:* Mr. Clark, do you admit that you
4 committed all of the essential elements of the offense just
5 described against you?

6 *DEFENDANT CLARK:* Yes.

7 *THE COURT:* And as to Defendant Wright, I call upon
8 Mr. Matt Gulde.

9 *MR. GULDE:* As to Count 1, the Government would have
10 to prove the following beyond a reasonable doubt:

11 First, that the defendant knowingly presented to an
12 agency of the United States a false or fraudulent claim
13 against the United States.

14 Second, that the defendant knew that the claim was
15 false or fraudulent.

16 And, third, that the false or fraudulent claim was
17 material.

18 To establish the offense alleged in Count 2 of the
19 information, the Government would have to prove beyond a
20 reasonable doubt:

21 First, the defendant knowingly possessed a means of
22 identification of another person.

23 Second, the defendant did so without lawful
24 authority.

25 And, third, that the defendant intended to commit a

1 false claim against the United States.

2 *THE COURT:* And do you admit that you committed all
3 of the essential elements of the offense just described
4 against you, Ms. Wright?

5 *DEFENDANT WRIGHT:* Yes.

6 *THE COURT:* Now, each of you are appearing here with
7 your attorney and you've indicated that you have discussed
8 your case and the charges made against you, as well as the
9 issue of punishment and the sentencing guidelines with your
10 attorney.

11 Are you fully satisfied with the representation and
12 advice that you have received from your attorney in your case?

13 Mr. Brown?

14 *DEFENDANT BROWN:* Yes, sir.

15 *THE COURT:* Mr. McCulloch?

16 *DEFENDANT McCULLOCH:* Yes.

17 *THE COURT:* Ms. Orozco?

18 *DEFENDANT OROZCO:* Yes.

19 *THE COURT:* Mr. Clark?

20 *DEFENDANT CLARK:* Yes.

21 *THE COURT:* And Ms. Wright?

22 *DEFENDANT WRIGHT:* Yes.

23 *THE COURT:* Now, I have plea agreements for
24 defendants Brown, McCulloch, Orozco, and Clark. The
25 defendant's signature appears on each of these cases, as well

1 as defense counsel. There is also a plea agreement supplement
2 in each of these cases.

3 Is this your signature that appears on the plea
4 agreement and the plea agreement supplement?

5 Mr. Brown?

6 *DEFENDANT BROWN:* Yes, sir.

7 *THE COURT:* Mr. McCulloch?

8 *DEFENDANT McCULLOCH:* Yes.

9 *THE COURT:* Ms. Orozco?

10 *DEFENDANT OROZCO:* Yes.

11 *THE COURT:* Mr. Clark?

12 *DEFENDANT CLARK:* Yes.

13 *THE COURT:* Did you read or have read to you the
14 plea agreement and the plea agreement supplement, and do you
15 fully understand these plea documents?

16 Mr. Brown?

17 *DEFENDANT BROWN:* Yes, sir.

18 *THE COURT:* Mr. McCulloch?

19 *DEFENDANT McCULLOCH:* Yes.

20 *THE COURT:* Ms. Orozco?

21 *DEFENDANT OROZCO:* Yes.

22 *THE COURT:* Mr. Clark?

23 *DEFENDANT CLARK:* Yes.

24 *THE COURT:* And by placing your signature upon these
25 documents, are you asking the Court to accept and approve your

1 plea agreement with the Government?

2 Mr. Brown?

3 *DEFENDANT BROWN:* Yes, sir.

4 *THE COURT:* Mr. McCulloch?

5 *DEFENDANT McCULLOCH:* Yes.

6 *THE COURT:* Ms. Orozco?

7 *DEFENDANT OROZCO:* Yes.

8 *THE COURT:* And Mr. Clark?

9 *DEFENDANT CLARK:* Yes.

10 *THE COURT:* In each of your plea agreements, there
11 is a waiver of appeal paragraph, and I want to direct your
12 attention to that paragraph of your plea agreement, which is
13 paragraph 11 as to Defendant Brown and McCulloch. It is 12 as
14 to Ms. Orozco, and it is 11 as to Mr. Clark.

15 Did each of you read or have read to you and do you
16 fully understand the waiver of right to appeal paragraph in
17 your plea agreement?

18 Mr. Brown?

19 *DEFENDANT BROWN:* Yes, sir.

20 *THE COURT:* Mr. McCulloch?

21 *DEFENDANT McCULLOCH:* Yes.

22 *THE COURT:* Ms. Orozco?

23 *DEFENDANT OROZCO:* Yes.

24 *THE COURT:* Mr. Clark?

25 *DEFENDANT CLARK:* Yes.

1 THE COURT: Did you discuss this with your attorney
2 and do you knowingly and voluntarily waive your right to
3 appeal as set forth in this paragraph of your plea agreement?

4 Mr. Brown?

5 DEFENDANT BROWN: Yes, sir.

6 THE COURT: Mr. McCulloch?

7 DEFENDANT McCULLOCH: Yes.

8 THE COURT: Ms. Orozco?

9 DEFENDANT OROZCO: Yes.

10 THE COURT: And Mr. Clark?

11 DEFENDANT CLARK: Yes.

12 THE COURT: Are all of the terms of your plea
13 agreement with the Government set forth in the plea agreement
14 and the plea agreement supplement?

15 Mr. Brown?

16 DEFENDANT BROWN: Yes, sir.

17 THE COURT: Mr. McCulloch?

18 DEFENDANT McCULLOCH: Yes.

19 THE COURT: Ms. Orozco?

20 DEFENDANT OROZCO: Yes.

21 THE COURT: And Mr. Clark?

22 DEFENDANT CLARK: Yes, sir.

23 THE COURT: And did you voluntarily and of your own
24 free will enter into this plea agreement with the Government?

25 Mr. Brown?

1 *DEFENDANT BROWN:* Yes, sir.

2 *THE COURT:* Mr. McCulloch?

3 *DEFENDANT McCULLOCH:* Yes.

4 *THE COURT:* Ms. Orozco?

5 *DEFENDANT OROZCO:* Yes.

6 *THE COURT:* And Mr. Clark?

7 *DEFENDANT CLARK:* Yes.

8 *THE COURT:* Other than the written plea agreement,
9 has anyone made any promise or assurance to you of any kind in
10 an effort to induce you to enter a plea of guilty in your
11 case?

12 Mr. Brown?

13 *DEFENDANT BROWN:* No, sir.

14 *THE COURT:* Mr. McCulloch?

15 *DEFENDANT McCULLOCH:* No.

16 *THE COURT:* Ms. Orozco?

17 *DEFENDANT OROZCO:* No.

18 *THE COURT:* Mr. Clark?

19 *DEFENDANT CLARK:* No.

20 *THE COURT:* Ms. Wright, has anyone made any promise
21 or assurance to you of any kind in an effort to induce you to
22 enter a plea of guilty in your case?

23 *DEFENDANT WRIGHT:* No.

24 *THE COURT:* To all defendants, has anyone mentally,
25 physically, or in any other way attempted to force you to

1 plead guilty in your case?

2 Mr. Brown?

3 *DEFENDANT BROWN:* No, sir.

4 *THE COURT:* Mr. McCulloch?

5 *DEFENDANT McCULLOCH:* No.

6 *THE COURT:* Ms. Orozco?

7 *DEFENDANT OROZCO:* No.

8 *THE COURT:* Mr. Clark?

9 *DEFENDANT CLARK:* No.

10 *THE COURT:* Ms. Wright?

11 *DEFENDANT WRIGHT:* No.

12 *THE COURT:* And do each of you understand that if
13 your guilty plea is accepted, you will be adjudged guilty of
14 the offense to which you plead, and your punishment will be
15 assessed somewhere within the range of punishment provided by
16 statute?

17 Mr. Brown?

18 *DEFENDANT BROWN:* Yes, sir.

19 *THE COURT:* Mr. McCulloch?

20 *DEFENDANT McCULLOCH:* Yes.

21 *THE COURT:* Ms. Orozco?

22 *DEFENDANT OROZCO:* Yes.

23 *THE COURT:* Mr. Clark?

24 *DEFENDANT CLARK:* Yes.

25 *THE COURT:* And Ms. Wright?

1 *DEFENDANT WRIGHT:* Yes.

2 *THE COURT:* Are you a citizen of the United States?
3 Mr. Brown?

4 *DEFENDANT BROWN:* Yes, sir.

5 *THE COURT:* Mr. McCulloch?

6 *DEFENDANT McCULLOCH:* Yes.

7 *THE COURT:* Ms. Orozco?

8 *DEFENDANT OROZCO:* Yes.

9 *THE COURT:* Mr. Clark?

10 *DEFENDANT CLARK:* Yes.

11 *THE COURT:* Ms. Wright?

12 *DEFENDANT WRIGHT:* Yes.

13 *THE COURT:* I need to inform each of you, as
14 citizens, that the offense to which you are pleading guilty is
15 a felony and conviction of a felony may deprive you of certain
16 rights of citizenship, such as the right to vote, to hold
17 public office, to ever serve on a jury, to ever possess any
18 type of firearm, and other valuable rights.

19 Do each of you understand that consequence?

20 Mr. Brown?

21 *DEFENDANT BROWN:* Yes, sir.

22 *THE COURT:* Mr. McCulloch?

23 *DEFENDANT McCULLOCH:* Yes.

24 *THE COURT:* Ms. Orozco?

25 *DEFENDANT OROZCO:* Yes.

1 THE COURT: Mr. Clark?

2 DEFENDANT CLARK: Yes.

3 THE COURT: Ms. Wright?

4 DEFENDANT WRIGHT: Yes.

5 THE COURT: In addition, I'll now call upon the
6 United States Attorney's Office to set forth the penalties and
7 consequences of conviction for the charge to which each
8 defendant is pleading.

9 We'll begin with Mr. Burgess.

10 MR. BURGESS: As to Mr. Brown, he faces imprisonment
11 for a period of not less than 10 years and not more than life
12 in prison; a fine not to exceed \$10 million, or both fine and
13 imprisonment; a term of supervised release of not less than
14 five years.

15 If the defendant violates any condition of the term
16 of supervised release, the Court may revoke such release term
17 and require the defendant serve any or all of such term as an
18 additional period of confinement. The effect of a revocation
19 of a term of supervised release is to make the overall period
20 of incarceration longer.

21 A mandatory special assessment of \$100; costs of
22 incarceration and supervision; and forfeiture.

23 THE COURT: Let's proceed as to each defendant.

24 MR. BURGESS: As to Mr. McCulloch, he faces
25 imprisonment for a period of not more than 4 years; a fine not

1 to exceed \$250,000, or twice any pecuniary gain to the
2 defendant; a mandatory term of supervised release of not more
3 than one year, which must follow any term of imprisonment. If
4 the defendant violates the conditions of supervised release,
5 he could be imprisoned for an entire term of supervised
6 release.

7 A mandatory special assessment of \$100; restitution
8 to victims or to the community, which may be mandatory under
9 the law and which the defendant agrees may include restitution
10 arising from all relevant conduct, not limited to that arising
11 from the offense of conviction alone; costs of incarceration
12 and supervision; and forfeiture.

13 As to Ms. Orozco: Imprisonment for a period of not
14 more than 20 years; a fine not to exceed \$500,000 or twice the
15 value of the monetary instrument that is the subject of
16 violation, or both fine and imprisonment; a term of supervised
17 release of at least three years, but not more than five
18 years -- could I have a moment, Your Honor?

19 *THE COURT:* You may.

20 *MR. BURGESS:* Okay. Your Honor, I'm sorry, there's
21 an error. In paragraph C under penalties, it says a term of
22 supervised release. The portion that's in parenthesis is the
23 actual, accurate amount. It conflicts with the word. So it's
24 actually a term of supervised release of at least two years,
25 but not more than three years, so if we could just strike

1 through the three and the five.

2 *THE COURT:* All right. Let's do that. I'm going to
3 hand down the factual resume.

4 Mr. Cutrer, would you approach? If you could make
5 that change and have everyone initial it, please, in the
6 factual resume.

7 *(Pause in Proceedings)*

8 *THE COURT:* You may proceed.

9 *MR. BURGESS:* Thank you.

10 If the defendant violates any condition of a term of
11 supervised release, the Court may revoke any such release term
12 and require the defendant serve any or all of such term as an
13 additional period of confinement. The effect of revocation of
14 a term of supervised release is to make the overall period of
15 incarceration longer.

16 A mandatory special assessment of \$100; forfeiture
17 of money and property; and the costs of incarceration and
18 supervision.

19 *THE COURT:* And as to Defendant Clark?

20 *MR. WEIMER:* The maximum penalties include:
21 Imprisonment for a period not more than 20 years; a fine not
22 to exceed \$250,000, or twice the amount of criminally derived
23 property involved in the transactions; a term of supervised
24 release of not more than three years, which may be mandatory
25 under the law and will follow any term of imprisonment. If

1 the defendant violates the conditions of supervised release,
2 he could be imprisoned for the entire term of supervised
3 release.

4 A mandatory special assessment of \$100; restitution
5 to victims or to the community, which may be mandatory under
6 the law and which defendant agrees may include restitution
7 arising from all relevant conduct, not limited to that arising
8 from the offense of conviction alone; and costs of
9 incarceration and supervision.

10 *THE COURT:* And as to Defendant Wright?

11 *MR. GULDE:* Penalties the Court could impose
12 include: Imprisonment for a period of not more than 5 years
13 for each count, which terms could be ordered to run
14 consecutively for a total of 10 years; a fine not to exceed
15 \$250,000 as to each count; a term of supervised release of not
16 more than three years on each count, which may be mandatory
17 and will follow any term of imprisonment. If the defendant
18 violates the conditions of supervised release, she could be
19 imprisoned for the entire term of supervised release.

20 A mandatory special assessment of \$200; and
21 restitution that the Court may order paid to any victim of her
22 crime, and the defendant agrees may include defendant's total
23 criminal conduct and is not limited to restitution
24 attributable to Counts 1 and 2 of the information.

25 *THE COURT:* Do each of you understand that if you

1 plead guilty, you may be subject to the penalties and
2 consequences just explained to you for your case?

3 Mr. Brown?

4 *DEFENDANT BROWN:* Yes, sir.

5 *THE COURT:* Mr. McCulloch?

6 *DEFENDANT McCULLOCH:* Yes.

7 *THE COURT:* Ms. Orozco?

8 *DEFENDANT OROZCO:* Yes.

9 *THE COURT:* Mr. Clark?

10 *DEFENDANT CLARK:* Yes.

11 *THE COURT:* And Ms. Wright?

12 *DEFENDANT WRIGHT:* Yes.

13 *THE COURT:* I also have a document submitted in
14 Ms. Orozco's case, which is an immigration warning.

15 Is there some question as to her citizenship,
16 Mr. Cutrer?

17 *MR. CUTRER:* No, Your Honor. It was just, I guess,
18 done out of an abundance of caution as a warning, but, no,
19 she's a citizen.

20 *THE COURT:* Very well. Then this document is
21 superfluous, and I'm not going to make it part of the record.

22 All right. Let's see. Mr. Clark, I believe your
23 plea agreement does not provide for a specific recommendation
24 from the Government, so do you understand that if a sentence
25 you receive is more severe than you expect, you'll still be

1 bound by your plea of guilty and you will not have the right
2 to withdraw that plea?

3 *DEFENDANT CLARK:* Yes, sir.

4 *THE COURT:* To Defendants Brown, McCulloch, and
5 Ms. Orozco, your plea agreements with the Government includes
6 a promise by the Government to dismiss other charges against
7 you and/or an agreement that a specific sentence is
8 appropriate to the disposition of your case.

9 The Court, therefore, must decide whether to accept
10 your plea agreement, and if the Court decides to reject the
11 plea agreement, you will then have a right and opportunity to
12 withdraw your guilty plea and change it to not guilty.

13 Do each of you understand?

14 Mr. Brown?

15 *DEFENDANT BROWN:* Yes, sir.

16 *THE COURT:* Mr. McCulloch?

17 *DEFENDANT McCULLOCH:* Yes.

18 *THE COURT:* And Ms. Orozco?

19 *DEFENDANT OROZCO:* Yes.

20 *THE COURT:* All right. We've covered a lot of
21 ground. Is there any question from any defendant about
22 anything that we've covered up to this point?

23 Mr. Brown?

24 *DEFENDANT BROWN:* No, sir.

25 *THE COURT:* Mr. McCulloch?

1 *DEFENDANT McCULLOCH:* No, sir.

2 *THE COURT:* Ms. Orozco?

3 *DEFENDANT OROZCO:* No.

4 *THE COURT:* Mr. Clark?

5 *DEFENDANT CLARK:* No.

6 *THE COURT:* Ms. Wright?

7 *DEFENDANT WRIGHT:* No.

8 *THE COURT:* Then having heard all of the foregoing,
9 I now ask:

10 How do you plead to Count 2 of the 8-count
11 superseding indictment against you, Mr. Brown, guilty or not
12 guilty?

13 *DEFENDANT BROWN:* Guilty.

14 *THE COURT:* And how do you plead to the one-count
15 superseding information against you, Mr. McCulloch, guilty or
16 not guilty?

17 *DEFENDANT McCULLOCH:* Guilty.

18 *THE COURT:* How do you plead to Count 8 of the
19 8-count superseding indictment against you, Ms. Orozco, guilty
20 or not guilty?

21 *DEFENDANT OROZCO:* Guilty.

22 *THE COURT:* How do you plead to the one-count
23 information against you, Mr. Clark, guilty or not guilty?

24 *DEFENDANT CLARK:* Guilty.

25 *THE COURT:* And how do you plead to Counts 1 and 2

1 of the two-count information against you, Ms. Wright, guilty
2 or not guilty?

3 *DEFENDANT WRIGHT:* Guilty.

4 *THE COURT:* And to defense counsel, is the guilty
5 plea of your client consistent with your advice?

6 Mr. Grass?

7 *MR. GRASS:* Yes, sir, it is.

8 *THE COURT:* Mr. Durrance?

9 *MR. DURRANCE:* Yes, it is.

10 *THE COURT:* Mr. Cutrer?

11 *MR. CUTRER:* It is.

12 *THE COURT:* Mr. Freisner?

13 *MR. FREISNER:* Yes, Your Honor.

14 *THE COURT:* Ms. Dunnavant?

15 *MS. DUNNAVANT:* Yes, sir.

16 *THE COURT:* Then I'll accept each of the defendants
17 pleas of guilty on the basis of the factual support for such
18 plea, and I have been provided factual resumes which are
19 appropriately styled and numbered for each of the defendants
20 cases, which appear to be signed by the defendant and his
21 counsel, his or her counsel.

22 Have you read, or had read to you, the factual
23 resume, and do you fully understand everything that is in the
24 factual resume?

25 Mr. Brown?

1 *DEFENDANT BROWN:* Yes, sir.

2 *THE COURT:* Mr. McCulloch?

3 *DEFENDANT McCULLOCH:* Yes.

4 *THE COURT:* Ms. Orozco?

5 *DEFENDANT OROZCO:* Yes.

6 *THE COURT:* Mr. Clark?

7 *DEFENDANT CLARK:* Yes, sir.

8 *THE COURT:* And Ms. Wright?

9 *DEFENDANT WRIGHT:* Yes.

10 *THE COURT:* And is this your signature that appears
11 on the factual resume?

12 Mr. Brown?

13 *DEFENDANT BROWN:* Yes, sir.

14 *THE COURT:* Mr. McCulloch?

15 *DEFENDANT McCULLOCH:* Yes.

16 *THE COURT:* Ms. Orozco?

17 *DEFENDANT OROZCO:* Yes.

18 *THE COURT:* Mr. Clark?

19 *DEFENDANT CLARK:* Yes.

20 *THE COURT:* And Ms. Wright?

21 *DEFENDANT WRIGHT:* Yes.

22 *THE COURT:* At this time it would be appropriate for
23 the United States Attorney to read the stipulated facts
24 portion of your factual resume, however, because you've
25 indicated to me you understand it, that you have read it, and

1 that your signature appears on it, I will allow you to waive
2 the reading of those facts.

3 How do you wish to proceed?

4 Mr. Brown?

5 *DEFENDANT BROWN:* I'll waive it.

6 *THE COURT:* Mr. McCulloch?

7 *DEFENDANT McCULLOCH:* Waive it.

8 *THE COURT:* Mr. -- or Ms. Orozco?

9 *DEFENDANT OROZCO:* I'll waive.

10 *THE COURT:* Mr. Clark?

11 *DEFENDANT CLARK:* Waive.

12 *THE COURT:* And Ms. Wright?

13 *DEFENDANT WRIGHT:* Waive.

14 *THE COURT:* I will allow each of you to waive the
15 reading.

16 Are the facts stated in your factual resume true and
17 correct?

18 Mr. Brown?

19 *DEFENDANT BROWN:* True.

20 *THE COURT:* Mr. McCulloch?

21 *DEFENDANT McCULLOCH:* True.

22 *THE COURT:* Ms. Orozco?

23 *DEFENDANT OROZCO:* Yes.

24 *THE COURT:* Mr. Clark?

25 *DEFENDANT CLARK:* Yes.

1 THE COURT: Ms. Wright?

2 DEFENDANT WRIGHT: Yes.

3 THE COURT: And to defense counsel, are the facts
4 stated in your client's factual resume consistent with the
5 true facts as you understand them?

6 Mr. Grass?

7 MR. GRASS: Yes, they are.

8 THE COURT: Mr. Durrance?

9 MR. DURRANCE: Yes, Your Honor.

10 THE COURT: Mr. Cutrer?

11 MR. CUTRER: Yes, sir.

12 THE COURT: Mr. Freisner?

13 MR. FREISNER: Yes, Your Honor.

14 THE COURT: Ms. Dunnavant?

15 MS. DUNNAVANT: Yes, sir.

16 THE COURT: Very well. Then I'm order the filing of
17 the factual resumes in each of your cases.

18 The Court being satisfied with the responses given
19 during this hearing finds that each defendant is fully
20 competent and capable of entering an informed plea and that
21 his or her plea of guilty to the charges against them is a
22 knowing and voluntary plea supported by an independent basis
23 in fact containing each of the essential elements of the
24 offense charged against the defendant.

25 I accept the plea of guilty, and I pronounce each of

1 you guilty of the offense to which you have pled.

2 A presentence report will be prepared by the
3 probation office to assist the Court in sentencing. You will
4 be asked to give information for that report and your degree
5 of cooperation could be a factor in the severity of your
6 sentence.

7 Your attorney is ordered to be present at your
8 interview with a recent familiarity with Sentencing Guideline
9 Section 3E1.1, Application Note 1(a).

10 You and your counsel will be provided a copy of the
11 presentence report well in advance of the date of sentencing,
12 and you will have an opportunity to make any comments on it
13 and any objections to it.

14 Now, because I have conducted this hearing, rather
15 than the district judge, based upon your consent and the
16 district judge's referral of this matter to me, I am making a
17 written report to the district judge telling him what you have
18 said and done here today and what I have found.

19 I also inform you that if you or your counsel have
20 any objection to anything I've said or done, or to the written
21 report itself, then those objections must be filed within 14
22 days of the date of this hearing.

23 Mr. Brown and Ms. Orozco, you are each scheduled to
24 be sentenced before the Honorable Terry R. Means on April 9th,
25 2012, at 9:30 a.m.

1 Mr. McCulloch, you are scheduled to be sentenced on
2 March 26th, 2012, at 10:30 a.m., also before Judge Terry
3 Means.

4 Mr. Clark, you are scheduled to be sentenced
5 May 29th, 2012, at 10:30 a.m., also before Judge Means.

6 And Ms. Wright, you are scheduled to be sentenced
7 April 23rd, 2012, at 10:30 a.m., also by Judge Means, and he
8 will conduct those sentencings in this courtroom.

9 All right. Defendants Brown and McCulloch, you are
10 each currently in the custody of the United States Marshal and
11 it's appropriate that you remain in that custody pending
12 further proceedings in your case; therefore, you are remanded
13 to the custody of the marshal at this time.

14 As to Defendants Orozco, Clark, and Wright, each of
15 you have been out on bond.

16 I ask the Government: Is there any reason to
17 reconsider the status of bond as to these defendants?

18 Mr. Burgess?

19 MR. BURGESS: Not as to any of them, Your Honor.

20 THE COURT: All right. Very well. Then the
21 Government stipulates to facts sufficient for the Court to
22 find by clear and convincing evidence that these defendants do
23 not present a risk of flight or a danger to the community if
24 allowed to remain on bond?

25 MR. BURGESS: We do, Your Honor.

1 *THE COURT:* Very well. Then the Court so finds each
2 of you, Ms. Orozco, Mr. Clark, Ms. Wright, are released upon
3 the same conditions of bond that you have been under.

4 The attorneys are excused. Court is adjourned.

5 *COURT SECURITY OFFICER:* All rise.

6 *MR. GULDE:* Your Honor, you didn't mention
7 Ms. Wright in that -- and her release conditions.

8 *THE COURT:* Oh, I said as to all defendants I
9 thought, I'm sorry.

10 *MR. GULDE:* Okay.

11 *THE COURT:* I make that finding as to all
12 defendants. I understood the representation from the
13 Government applied to all.

14 *MR. GULDE:* Thank you.

15 *THE COURT:* Very well.

16 *(End of Proceedings).*

REPORTER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 17th day of July, 2012.

/s/ Debra G. Saenz

DEBRA G. SAENZ, CSR, RMR, CRR
Texas CSR No. 3158
Official Court Reporter
The Northern District of Texas
Fort Worth Division

CSR Expires: 12/31/13

Business Address: 501 W. 10th Street, Room 424
Fort Worth, Texas 76102

Telephone: 817.850.6661

E-Mail Address: debbie.saenz@yahoo.com

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